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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,194	11/16/2000	Yoshiyuki Namizuka	199688US2	3865
22850	7590	01/24/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BRINICH, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/713,194

Applicant(s)

NAMIZUKA ET AL.

Examiner

Stephen M Brinich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/14/04, 6/21/04</u> . | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al (5839033).

Re claims 1, 6, & 11, Takahashi et al discloses (column 1, lines 45-67) an image processor in which a document is read to generate stored image data (column 6, lines 25-47). This data is then enlarged/reduced in response to a set margin size (the "enlargement/reduction condition") that is used in addition to the original document size and the final document size to calculate an enlargement/reduction factor (Figures 14-16; column 9, line 30 - column 11, line 6, particularly column 10, lines 27-53). The data is then enlarged/reduced based on this enlargement/reduction factor, and then sent to a printer (this process being readable upon the generically recited step of "processing" the image data that has been enlarged/reduced)

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which outputs a document based on the image data that has been enlarged/reduced and sent to the printer.

Re claims 1, 5-6, & 10-11, Takahashi et al further discloses (column 11, lines 21-40; Figures 14-16; Figure 17, steps ST4, ST7, ST8) the detection of the size of original document, which is then used to determine the enlargement/reduction factor used to determine the size (and thereby location of at least some portion) of the final image on the output printout in a manner similar to that described by Figures 14-16. The detection of an original document size inherently includes the detection of at least two pixels (top and bottom or left and right) demarcating that size; thus, this detection reads on the determination of a "reference pixel" that is used to calculate "relocation data" for the output image.

Further re claims 1, 5-6, & 10-11, the detected document size is determined at step ST4, referenced at ST7 (in which "Selected Original Document Size" is set equal to "Detected Size") and then used in subsequent step ST8. Thus, this value is inherently stored for at least the interval from step ST4 until subsequent steps ST7 and ST8.

Re claims 2-4 & 7-9, Takahashi et al discloses (Figures 14-16; column 9, line 30 - column 11, line 6, particularly column 10, lines 27-53) the lateral shifting of document images in both

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horizontal and vertical directions by a determined amount and (in the case of Figure 16; column 10, line 65 - column 11, line 6) 90 degree rotation of document images in order to fit the images onto the output printout.

***Response to Arguments***

3. Applicant's arguments filed 9/7/04 have been fully considered but they are not persuasive.

Applicant argues (Response filed 9/7/04: page 8, line 10 - page 9, line 22; particularly page 9, lines 1-17) that the Takahashi et al reference does not disclose the storage of image data generated by a document reading unit together with information about the size of the read document determined by a size detection unit.

However, as noted above, Takahashi et al discloses the storage of image data generated by a document reading unit and the detection of the size of a read document by a size detecting unit. Further as noted above, the storing of the detected document size is inherent to the operation of Takahashi et al (insofar as the document size is used to execute steps subsequent to the size detection operation, which clearly would not be possible if the detected size is not stored for the intervening interval).

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**Conclusion**

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

Stephen M Brinich  
Examiner  
Art Unit 2624

smb   
January 18, 2005



THOMAS D  
~~LEE~~ LEE  
PRIMARY EXAMINER